

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

NYDIA RODRIGUEZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CIVIL NO.: 12-1541 (MEL)

ORDER

On June 12, 2012, plaintiff Nydia Rodriguez (“plaintiff”) filed a complaint against the Commissioner of Social Security (“Commissioner”) pursuant to Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), requesting a review of the final decision of the Commissioner. ECF No. 2.

On October 22, 2013, the Commissioner filed a motion requesting that the court remand the case to the Social Security Administration’s Office of Disability Adjudication and Review for further proceedings before an Administrative Law Judge (“ALJ”), explaining: “The record contains evidence that [plaintiff] had a medically determinable mental impairment. This evidence included testimony by a psychiatrist and medical expert that Plaintiff had mild to moderate difficulty in maintaining concentration. Unfortunately, the [ALJ] decision did not find that Plaintiff had a severe mental impairment or any related functional limitations, and did not provide sufficient rational for rejecting the opinion evidence. Upon proceedings on remand, the ALJ will be directed to rectify this oversight.” ECF No. 66.

Pursuant to 42 U.S.C. 405(g), the court has the power to “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” Given the Commissioner’s voluntary request, the motion is hereby GRANTED and the case is hereby REMANDED to the Commissioner for further administrative proceedings. On remand, the Administrative Law Judge is instructed to address the oversight identified in the Commissioner’s motion. *Id.* Judgment will be entered accordingly.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 23rd day of October, 2013.

s/Marcos E. López
U.S. Magistrate Judge